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Remarks

By this amendment, claims 24, 48, 66 and 67 are amended. No new matter has been entered. Accordingly, claims 24-68 are pending in this application.

Rejection under 35 USC 103(a)

The Examiner has rejected claims 24-63 and 66-68 under 35 U.S.C. § 103(a) as being unpatentable over the User's Guide Data Digger Version 6 publication, in view of Slotznick (US 5,983,200), and further in view of the Office Notice taken in the previous office action.

Claims 24, 48, and 67 have been amended to recite, *inter alia*, the limitations of "processes configuring the computer to automatically guide the user in electronically planning the funeral ceremony displaying a selection guide on the computer," "automatically customizing sequence of information and further choices presented by said processes on the computer to guide the user in electronically planning the funeral ceremony based on selection of said choices on said selection guide," and "said funeral planning routine utilizes said planning data to automatically generate said funeral plan." Claim 66 has been amended to recite, *inter alia*, the limitations of "a computer running a funeral planning routine comprising processes configuring said computer to automatically guide the user in electronically planning the funeral ceremony...to automatically customize sequence of information and further choices presented on the computer by said processes to guide the user in electronically planning the funeral ceremony based on selection of said choices on said selection guide," and "wherein said computer is configured by said funeral planning routine to interactively guide the user through the planning of the funeral by accepting said choices and said planning data from the user and, when necessary, accessing said information stored in said memory device and storing said planning data to said memory device, and said computer is configured by said funeral planning routine to utilize said planning data to automatically generate a summary such that the user may determine whether to revise or accept the funeral arrangement plan as represented by said planning data, if revising then the user may edit any portion of said planning data, and if accepting then said funeral planning routine is capable of sending said order to said distributor using said communication device."

Applicants believe the above amendments to the independent claims provide limitations that clearly define over the applied art and in view of the Office Notice. Automatic guiding is performed by processes presenting automatically a customized sequence of choices presented on

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the computer. A funeral home before the present invention would not be able to automatically customize the presentation of choices displayed on the computer based on previous selection of choices on the computer. The present invention claims such a feature. Additionally, such a feature is unobvious for the following reasons.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP 2143. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. In re Vaack, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The User's Guide Data Digger Version 6 publication discloses a sequential data entry software application that is used in the back office of a funeral home to help organize the vast amounts of information that is dealt with every day in the funeral service. See Page 1. As such, the User's Guide Data Digger Version 6 publication fails to teach or suggest, *inter alia*, processes configuring a computer to automatically guide a user in electronically planning a funeral ceremony displaying a selection guide on the computer, automatically customizing sequence of information and further choices presented by the processes on the computer to guide the user in electronically planning the funeral ceremony based on selection of the choices on the selection guide, or a funeral planning routine utilizes planning data to automatically generate a funeral plan.

Slotznick is cited for disclosing a computer for making plans that display images for selection and for allowing the user to modify or accept the plan. Accordingly, the combined teachings of the User's Guide Data Digger Version 6 publication and Slotznick would fail to disclose or suggest the above noted limitations of amended independent claims 24, 48, 66, and 67.

Tavor et al is cited for shopping over the internet that uses multimedia presentations to make the session more enjoyable for the customer. Accordingly, the combined teachings of the User's Guide Data Digger Version 6 publication, Slotznick, and Tavor et al. fails to disclose or suggest the above noted limitations of amended independent claim 48, from which claims 64 and 65 depend.

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Regarding the Office Notice, even though it is well known that funeral directors present choices and customize the sequence of information presented manually by hand or voice to a client during a funeral arrangement, such knowledge still does not provide the suggestion of how the cited references should be modified in order to produce the claimed invention, or that such a modification would be successful.

Additionally, it appears that the proposed motivation presented by the Examiner, to transfer a common knowledge medium to an electronic communication system available to another set of users or to convert routine tasks previously done by hand/voice to an electronic format, is too general because it could cover almost any alteration contemplated of the cited references and does not address why this specific proposed modification would have made the recited invention obvious. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. In re Mills, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). Knowing that funeral directors present choices and customize the sequence of information presented manually by hand or voice to a client during a funeral arrangement, does not suggest the desirability to modify the back office sequential data entry software application that is used to help organize the vast amounts of information that is dealt with every day in the funeral service as disclosed by the User's Guide Data Digger Version 6 publication. Nor does it suggest how to modify the features of the back office sequential data entry software application disclosed by the User's Guide Data Digger Version 6 publication to provide choices and customization of the sequence of information presented to a customer, such that there is a reasonable expectation of success.

Furthermore, there is nothing in the cited references, other than applicant's disclosure, that would suggest "processes configuring said computer to automatically guide the user in electronically planning the funeral ceremony displaying a selection guide on the computer," "automatically customizing sequence of information and further choices presented by said processes on the computer to guide the user in electronically planning the funeral ceremony based on selection of said choices on said selection guide," or "said funeral planning routine utilizes said planning data to automatically generate said funeral plan."

Moreover, there is nothing in the cited references, other than applicant's disclosure, that would suggest "running a funeral planning routine comprising processes configuring said computer to automatically guide the user in electronically planning the funeral ceremony...to

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automatically customize sequence of information and further choices presented on the computer by said processes to guide the user in electronically planning the funeral ceremony based on selection of said choices on said selection guide," or a "computer is configured by said funeral planning routine to interactively guide the user through the planning of the funeral by accepting said choices and said planning data from the user and, when necessary, accessing said information stored in said memory device and storing said planning data to said memory device, and said computer is configured by said funeral planning routine to utilize said planning data to automatically generate a summary such that the user may determine whether to revise or accept the funeral arrangement plan as represented by said planning data, if revising then the user may edit any portion of said planning data, and if accepting then said funeral planning routine is capable of sending said order to said distributor using said communication device."

Accordingly, the motivation of the Office Notice is not sound because there is nothing in the applied references that would suggest that the motivation for combining the references is known outside of applicants' disclosure, or outside of applicants' disclosure, that there is a reasonable expectation of success.

Further, the suggested combination of references would require a substantial reconstruction and redesign of the application features shown in the The User's Guide Data Digger Version 6 publication as well as a change in the basic principle under which the software application was designed to operate. It is noted that the computer system running the Data Digger software is MS-DOS base, and therefore implementing the features of displaying images for selection in a plan and allowing the user to modify or accept the plan as disclosed by the web based system of Slotznick, and implementing electronically the capability to present choices and customize the sequence of information presented to a client during a funeral arrangement, is not made obvious by a general desire to transfer a common knowledge medium to an electronic communication system available to another set of users or to convert routine tasks previously done by hand/voice to an electronic format.

Finally, the limitations of "automatically customizing sequence of information and further choices presented by said processes on the computer to guide the user in electronically planning the funeral ceremony based on selection of said choices on said selection guide," as recited in amended claims 24, 48, and 67, and "a computer running a funeral planning routine comprising processes configuring said computer to automatically guide the user in electronically planning

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the funeral ceremony...to automatically customize sequence of information and further choices presented on the computer by said processes to guide the user in electronically planning the funeral ceremony based on selection of said choices on said selection guide," as recited in claim 66 are essential to the present invention. As noted in the background of the invention, "families and friends are often burdened with arranging a funeral service during a very stressful period that sometimes offers little time for making informed decisions. Under such pressured circumstances, the families and friends may be unable to find reliable, unbiased information about the available funeral services and products. Because funerals can cost thousands of dollars and because dozens of unanticipated decisions must be made quickly, choosing only those goods and services wanted or needed may be frustrating to such uninformed families and friends." The common knowledge of the Office Notice that funeral directors manually customize the sequence of information presented to clients based on previous choices, however does not address the above mentioned problem regarding the presentation of unbiased information. A funeral director has great control in what information is presented next to client, and under such pressured circumstances can be a source of frustration to some client. The recited invention however solves this problem by the processes automatically customizing the sequence of information and further choices presented on the computer to guide the user in electronically planning the funeral ceremony based on selection of choices on the selection guide. Accordingly, the control of information presented is in the hands of the client without bias or pressure from a funeral director. The combined teachings of the applied art and the common knowledge of the Office Notice fails to disclose or suggest such a limitation of "automatically customizing," which addresses the above mentioned bias problem.

For all the above reasons, Applicants believe that the above obviousness rejections to the claims has been overcome by the above claim amendments and thus, withdrawal of these rejections is respectfully requested.

Conclusion

Applicants respectfully submit that in view of the above amendments and remarks the present application is in condition for allowance. The Examiner is encouraged to contact the undersigned to resolve efficiently any formal matters or to discuss any aspects of the application


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or of this response. Otherwise, early notification of allowable subject matter is respectfully solicited.

Respectfully submitted,
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